

ORDINANCE SUMMARY

The purpose of this ordinance is to create Section 5-9 of the Lake County Code, to be entitled “Motorboats Powered By Gasoline Or Other Motor Fuels Prohibited On Lake Tavares.”

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation “* * *” indicates that all preceding or subsequent text remains unchanged. Renumbering and/or relettering were added as needed.

ORDINANCE 2015 – 21

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, CREATING SECTION 5-9 OF THE LAKE COUNTY CODE, TO BE ENTITLED "MOTORBOATS POWERED BY GASOLINE OR OTHER MOTOR FUELS PROHIBITED ON LAKE TAVARES", TO PROHIBIT ANY PERSON FROM OPERATING A MOTORBOAT POWERED BY GASOLINE OR OTHER MOTOR FUEL WITHIN OR ON LAKE TAVARES, A LAKE LOCATED IN SECTION 28 TOWNSHIP 19 SOUTH, RANGE 26 E, LAKE COUNTY, FLORIDA; PROVIDING FOR THE POSTING OF SIGNS AND FOR PROVIDING CIVIL AND PROVIDING FOR CRIMINAL PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes , Section 125.01, provides Lake County all powers necessary to carry on county government; and

WHEREAS, Chapter 327, Florida Statutes , subsection 327.60, provides the authority to local governments to regulate the operation of vessels to the extent such regulations do not in conflict with state law; and

WHEREAS, Chapter 327, Florida Statutes, subsection 327.46 sets forth the criteria to be used in establishing restricted areas, and provides that such areas may be necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards; and

WHEREAS, Chapter 125, Florida Statutes, subsection 125.01 (1)(w), provides to the Lake County Board of County Commissioners the authority to exercise all powers and privileges not specifically prohibited by law; and

WHEREAS, Lake Tavares is a small landlocked lake approximately thirty (30) acres in size located in Section 28, Township 19 South, Range 26 E, Lake County, Florida; and

1 **WHEREAS**, the majority of Lake Tavares was annexed by the City of Tavares, a
2 incorporated municipality, by Ordinance 78-01 on March 1, 1978; and

3
4 **WHEREAS**, in 1976 the City of Tavares adopted Ordinance 76-17, prohibiting motorized
5 vessels on Lake Tavares within the city's boundary; and

6
7 **WHEREAS**, the portion of Lake Tavares within unincorporated Lake County not subject
8 to the prohibition on motorized vehicles is approximately three (3) acres; and

9
10 **WHEREAS**, complaints from property owners have been received indicating that the
11 operation of motorboats powered by gasoline or other motor fuels on Lake Tavares constitutes
12 a danger and a hazard because of the small size of the lake and the speed at which such
13 motorboats operate; and

14
15 **WHEREAS**, it serves the health, safety and general welfare of the residents of Lake
16 County to replicate the prohibition of motorized vessels on Lake Tavares adopted by the City of
17 Tavares, and to create Section 5-9 of the Lake County Code to prohibit the use of motorboats
18 powered by gasoline or other motor fuels within or on Lake Tavares on the remaining portion
19 of the lake.

20
21 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake
22 County, Florida, as follows:

23
24 **Section 1.** Section 5-9 of the Lake County Code, to be entitled "Motorboats Powered by
25 Gasoline or other Motor Fuels Prohibited on Lake Tavares", is hereby created to read as
26 follows: (underlined text indicates language to be added to the code)

27
28 **Sec. 5-9. Motorboats Powered by Gasoline or other Motor Fuels Prohibited on Lake Tavares.**

29
30 (a) Findings.

31
32 (1) The Board of County Commissioners hereby finds that Lake Tavares, a small lake located
33 in Section 28, Township 19 South, Range 26 E, Lake County, Florida because of its small
34 size, is not suitable to have motorboats powered by gasoline or other motor fuels
35 operated within or on such lake without causing a danger and a hazard to persons using
36 such lake.

37
38 (2) The Board of County Commissioners hereby finds that because Lake Tavares is such a
39 small lake, if motor boats are used within or on such lake, it is likely that water quality
40 problems will result either from gasoline or other motor fuel or from destruction of
41 native vegetation.

42
43 (b) As used in this Section, the terms vessel, operate and motorboat shall have the same
44 meaning as provided in Florida Statute 327.02.

1 (c) It shall be unlawful for any person to operate any motorboat powered by gasoline or other
2 motor fuel in or upon the waters of Lake Tavares, a lake located in Section 28, Township 19
3 South, Range 26 E, Lake County, Florida, except in cases where such motorboat is being
4 used for an emergency.

5
6 (d) Signs shall be posted at any public boat ramp or other public launching points on Lake
7 Tavares and at other locations along such lake as the County Manager or designee
8 determines are necessary providing notice of this regulation.

9
10 (e) Enforcement. The provisions of this section may be enforced by any local, state, or federal
11 law enforcement officer, acting within his or her jurisdiction.

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13 **Section 2. Severability.** If any section, sentence, clause or phrase of the Ordinance
14 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said
15 holding shall in no way affect the validity of the remaining portions of this Ordinance.

16
17 **Section 3. Inclusion in the Code.** It is the intent of the Board of County
18 Commissioners that the provisions of this Ordinance shall become and be made a part of the
19 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and
20 the word "ordinance" may be changed to "section", "article" or such other appropriate word or
21 phrase in order to accomplish such intentions.

22
23 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby
24 directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of
25 Florida in accordance with Section 125.66, Florida Statutes.


26
27 **Section 5. Effective Date.** This Ordinance shall become effective as provided for by
28 law.

1 **Ordinance No. 2015 – 21; Lake Tavares Motorboats**

2
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4 Enacted this 9th day of June, 2015.


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6 Filed with the Secretary of State 19 June, 2015.

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8 **BOARD OF COUNTY COMMISSIONERS**
9 **OF LAKE COUNTY, FLORIDA**

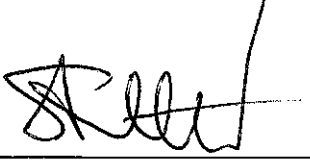
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14 
15 Jimmy Conner, Chairman

16 This 16th day of June, 2015.

17
18 **ATTEST:**

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23 Neil Kelly, Clerk of the
24 Board of County Commissioners
25 of Lake County, Florida
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27

28 **Approved as to form and legality:**

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32
33 Sanford A. Minkoff
34 County Attorney



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 22, 2015

Honorable Neil Kelly
Clerk of the Circuit Court
Lake County
550 West Main Street
P. O. Box 7800
Tavares, Florida 32778-7800

Attention: Ms. Victoria Bartley, Board Support

Dear Mr. Kelly:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your electronic copy of Lake County Ordinance No. 2015-21, which was filed in this office on June 19, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb